# UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

PNC BANK, N.A. COLUMBIA	§	
HOUSING SLP CORPORATION, and	§	
2013 TRAVIS OAK CREEK, LP	§	
	§	
Plaintiffs,	§	Action No. 1:17-cv-584-RP-ML
	§	
<b>v.</b>	§	
	§	consolidated with
	§	Case No. 1:17-cv-560-RP
2013 TRAVIS OAK CREEK GP, LLC,	§	
2013 TRAVIS OAK CREEK	§	
DEVELOPER, INC.,	§	
CHULA INVESTMENTS, LTD.,	§	
and RENE O. CAMPOS	§	
	§	
Defendants.	§	

# UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE SCHEDULING ORDER

Plaintiffs PNC Bank, N.A., Columbia Housing SLP Corporation, and 2013 Travis Oak Creek, LP (collectively, "Plaintiffs") respectfully move for a brief extension of time for the parties to submit a joint proposed scheduling order to the Court pursuant to the Court's Order of August 2, 2017 [Doc. No. 73]. Defendants 2013 Travis Oak Creek GP, LLC, 2013 Travis Oak Creek Developer, Inc., Chula Investments, Ltd., and Rene O. Campos (collectively, "Defendants") are unopposed to this request.

### I. RELIEF REQUESTED

Plaintiffs request that the Court extend the deadline for the parties to submit a joint proposed scheduling order to September 11, 2017.

On August 2, 2017, the Court entered an Order [Doc. No. 73] granting Plaintiffs' Motion for Preliminary Injunction, denying Defendants' Motion to Dismiss, and requiring the parties to confer and to submit a joint proposed scheduling within thirty days of the date of that Order (i.e.,

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by September 1, 2017). On August 15, 2017, Defendants filed an Unopposed Motion for

Extension of Time [Doc. No. 76] seeking to extend their deadline to file an answer or to

otherwise respond to Plaintiffs' live pleading until August 31, 2017, which the Court granted on

August 16, 2017 via an electronic order.

Defendants have indicated that they intend to file a number of counterclaims as part of

their responsive pleading for which they also intend to allege substantial damages. Their claims

are likely to impact the appropriate scope and topics for discovery in this matter. However,

because the deadline for Defendants' time to file such claims was extended to August 31, it is

now one day before the deadline to submit a proposed scheduling order. Given the proximity of

these two dates, Plaintiffs submit that a short extension of the deadline to submit a proposed joint

scheduling order is appropriate to allow them to evaluate Defendants' new claims and allow the

parties to develop appropriate discovery structure, limitations, and deadlines.

Plaintiffs therefore request that the Court extend the parties' deadline to submit a joint

proposed scheduling order until and including September 11, 2017. This extension is not sought

for the purpose of delay but so that justice may be served. To the contrary, Plaintiffs are seeking

an opportunity to review Defendants' new claims prior to conferring regarding the scope and

limitations on discovery in this matter.

Further, a brief, 10-day extension will not impact the resolution of this case. Counsel for

Plaintiffs has conferred with counsel for Defendants, and they are not opposed to the request for

an extension of time to submit a joint proposed scheduling order. Thus, Plaintiffs' request will

not prejudice Defendants in this matter.

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A JOINT PROPOSED SCHEDULING

#### II. CONCLUSION

For these reasons, Plaintiffs respectfully request that the Court extend the deadline for the parties to submit a joint proposed scheduling order until and including September 11, 2017.

Dated: August 29, 2017.

By: /s/ Robert M. Hoffman

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## **CERTIFICATE OF CONFERENCE**

	Ι	certif	y th	at on	August	28,	2017,	I	conferred	with	Kenneth	Chaiken,	counsel	for
Defen	dar	ıts, vi	a ema	ail, an	d he ind	icate	d that I	Det	fendants ar	e not	opposed to	the relief	requeste	ed in
this M	oti	on.												

/s/ Robert M. Hoffman
Robert M. Hoffman

## **CERTIFICATE OF SERVICE**

I certify that on August 29, 2017, a copy of the foregoing document was served on counsel for the Defendants in this case via email.

/s/ Robert M. Hoffman
Robert M. Hoffman